

FILED '08 NOV 12 11:12 USDC-ORP

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

L.M.N.,

CV. 08-61-PK

OPINION AND  
ORDER

Plaintiff,

v.

THE ARCHDIOCESE OF PORTLAND  
IN OREGON, THE ROMAN CATHOLIC  
ARCHBISHOP OF PORTLAND IN  
OREGON, and JAMES PHAM VAN NINH,

Defendants.

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PAPAK, Magistrate Judge:

This action was filed against defendants The Archdiocese of Portland in Oregon (the "Archdiocese"), The Roman Catholic Archbishop of Portland in Oregon (the "Archbishop" and, collectively with the Archdiocese, the "Archdiocesan Defendants"), and the Reverend James

Pham Van Ninh by plaintiff L.M.N. on January 11, 2008. This court has jurisdiction over plaintiff's action pursuant to 28 U.S.C. § 1334(b), based on the relatedness of these proceedings to *In re Roman Catholic Archbishop of Portland ("RCAP")*, 04-37154, a case arising under Title 11 of the United States Code. Specifically, this action is subject to the future claims trust provided for in the Third Amended and Restated Joint Plan of Reorganization (the "Plan") confirmed in *RCAP*, which, in relevant part, sets a \$20 million cap on the total funds available to pay all claims made against the Archdiocese through 2023.

Now before the court is the Archdiocesan Defendants' unopposed motion to approve the settlement of this case and to approve payment from the future claims trust (#17). For the reasons set forth below, the motion is granted and the settlement is approved.

The parties underwent mediation of their dispute on October 9, 2008, and subsequently reported the settlement of this action. Under the terms of the reported settlement, L.M.N. will receive \$250,000 from the future claims trust. Pursuant to section 6.4.5 of the Plan, the parties' settlement, and therefore payment to L.M.N. out of the future claims trust, is subject to this court's approval.

Section 11.8 of the Plan requires that notice of any motion to approve a settlement subject to the future claims trust be served on all plaintiffs with pending or otherwise unpaid claims against any Archdiocesan Defendant, Future Claimants Representative David A. Foraker, and Known Tort Claims Trustee and Future Claims Trustee Union Bank of California. Section 11.8 further provides that all notified parties must be provided at least 20 days (plus an additional 3 days if notice is served by mail) in which to file objections, if any, to any such motion.

On October 17, 2008, the Archdiocesan Defendants served the requisite notice by mail on

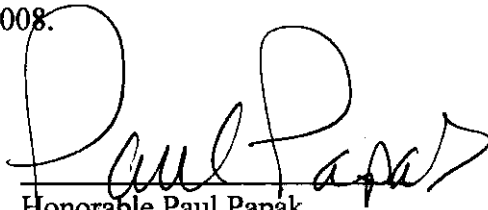
all of the necessary parties. The period for filing objections to this court's approval of the parties' settlement lapsed November 10, 2008. No objection to the motion has been filed.

In the absence of objection by any interested party, and in consideration of the size of the payments at issue relative to the amount remaining in the future trust fund, I find no reason exists to refuse approval of the parties' settlement. The Archdiocesan Defendants' motion is therefore granted, and the parties' settlement approved.

### **CONCLUSION**

For the reasons set forth above, the motion to approve the settlement of this case and to approve payment from the future claims trust (#17) is granted, the settlement agreed to by the parties is approved, and payment of \$250,000 to L.M.N. from the future claims trust is authorized.

Dated this 12th day of November, 2008.

  
Honorable Paul Papak  
United States Magistrate Judge